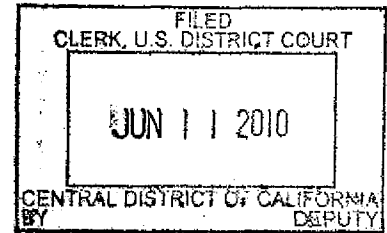


COPY

SAMUEL C. TAYLOR (State Bar No. 086580)
TODD BENOFF (State Bar No. 192983)
ELIZABETH A. SPERLING (State Bar No. 231474)
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Attorneys for Defendants
Electrolux Home Products, Inc., erroneously
sued herein as Electrolux Major Appliances North America,
Electrolux North America, Inc., and Frigidaire;
and Sears, Roebuck and Co.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

REUBEN ISHII, MAYUMI ISHII, AND
KAYDEN ISHII, A MINOR, BY AND
THROUGH HIS GUARDIAN AD LITEM,
REUBEN ISHII, AND REUBEN ISHII AS
SUCCESSOR IN INTEREST OF KAYLEE
ISHII, DECEASED,

Plaintiff,

v.

SEARS, ROEBUCK AND CO., SEARS
HOLDINGS CORPORATION,
FRIGIDAIRE, ELECTROLUX MAJOR
APPLIANCES NORTH AMERICA, and
DOES 1 to 100, inclusive,

Defendant.

SACV10-00832 JVS
Case No.

(RNBx)

**DEFENDANTS ELECTROLUX
HOME PRODUCTS, INC. AND
SEARS, ROEBUCK AND CO.'S
NOTICE OF REMOVAL TO
UNITED STATES DISTRICT
COURT PURSUANT TO
28 U.S.C. § 1441**

Filing date: April 19, 2010

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. Sections 1441 and 1446, Defendants Electrolux Home Products, Inc., erroneously sued herein as Electrolux Major Appliances North America, Electrolux North America, Inc., and Frigidaire ("Electrolux") and Sears, Roebuck and Co. ("Sears") (collectively, "Defendants"), by and through their counsel of record, hereby remove the above-titled action from the Superior Court of the State of California for the County of Orange, where the above-titled action was filed, to the United States District Court for the Central District of California. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1332.

As grounds for this removal, Defendants demonstrate to the Court as follows:

TIMELINESS OF REMOVAL

1. On April 19, 2010, Plaintiffs Reuben Ishii, Mayumi Ishii, Kayden Ishii, a minor, by and through his Guardian ad Litem, Reuben Ishii, and Reuben Ishii as Successor in Interest of Kaylee Ishii, deceased ("Plaintiffs"), filed this wrongful death action in the Orange County Superior Court, *Ishii v. Sears, Roebuck, and Co., et al.*, Orange County Superior Court, Case No. 30-2010-00364742 ("State Court Action"). A true and correct copy of the Complaint is attached hereto as **Exhibit A**. It is also attached to the concurrently filed Appendix of State Court Proceedings as Exhibit 1.

2. In their Complaint, Plaintiffs allege causes of action for (1) wrongful death, (2) product liability – negligence/wrongful death, (3) strict products liability/wrongful death, (4) breach of expressed warranty/wrongful death, (5) breach of implied warranty/wrongful death, (6) false representation/wrongful death, (7) negligent infliction of emotional distress, (8) product liability – negligence/survivor action, (9) strict products liability/survivor action, (10) breach of expressed warranty/survivor action, (11) breach of implied warranty/survivor action, (12) false

1 representation/survivor action, and (13) punitive damages. [*See generally*, Complaint,
2 Ex. A.]

3 3. On May 13, 2010, Plaintiffs served Sears, via CT Corporation System in
4 Los Angeles, California, its statutory agent for service of process, with a Summons
5 and Complaint. The Summons and Complaint on Sears is attached as **Exhibit A**.

6 4. On May 20, 2010, Plaintiffs served Electrolux's counsel, via United
7 States Mail, with a Summons and Complaint with Notices of Acknowledgment and
8 requests for waiver of service for Electrolux North America, Inc. and Frigidaire. The
9 Summons and Complaint with Notices of Acknowledgment were received by United
10 States Mail by Electrolux's counsel on May 24, 2010. A true and correct copy of the
11 Summons and Complaint and Notices of Acknowledgment to Electrolux are attached
12 as **Exhibit A**.

13 5. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice is timely filed
14 within thirty (30) days after the first defendant's (Sears) receipt of the Summons and
15 Complaint setting forth the causes of action upon which the above-captioned action is
16 based.

17 18 VENUE

19 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a), 1446(a),
20 and 84(c)(3) because the United States District Court for the Central District of
21 California is the federal judicial district embracing the Orange County Superior Court
22 where the State Court Action was originally filed.

23 24 DIVERSITY JURISDICTION

25 7. This is a civil action over which this Court has original jurisdiction, and
26 one which Defendants may remove to this Court, pursuant to the provisions of 28
27 U.S.C. §§ 1332(a) and 1441(b), in that the matter in controversy exceeds the sum of
28 \$75,000.00, exclusive of interests and costs, and is between citizens of different

1 States.

2 8. Plaintiffs' Citizenship. Plaintiffs are individuals whose residence and
3 domicile are in Orange County, California, and are citizens of the State of California.
4 [See Complaint at ¶ 1.]

5 9. Defendants' Citizenship. Defendant Sears, Roebuck and Co. is a
6 corporation organized, incorporated, and existing under the laws of the State of New
7 York, with its principal place of business in Hoffman Estates, Illinois. [See Complaint
8 at ¶ 2.] Therefore, pursuant to 28 U.S.C. § 1332(c)(1), Sears, Roebuck and Co. is a
9 citizen of the State of New York and of the State of Illinois.

10 10. Defendant Sears Holdings Corporation is a corporation organized,
11 incorporated, and existing under the laws of the State of Delaware, with its principal
12 place of business in Hoffman Estates, Illinois. [See Complaint at ¶ 2.] Therefore,
13 pursuant to 28 U.S.C. § 1332(c)(1), Sears Holdings Corporation is a citizen of the
14 State of Delaware and of the State of Illinois.

15 11. Defendant Electrolux Home Products, Inc. is a corporation organized,
16 incorporated, and existing under the laws of the State of Delaware, with its principal
17 place of business in the State of Georgia. Therefore, pursuant to 28 U.S.C. §
18 1332(c)(1), Electrolux is a citizen of the State of Delaware and of the State of
19 Georgia.

20 12. Frigidaire is a registered trade name of Electrolux. Its business records
21 were filed in the State of Ohio. Pursuant to 28 U.S.C. § 1441(a), for purposes of
22 removal, "the citizenship of defendants sued under fictitious names shall be
23 disregarded." Accordingly, the citizenship of Frigidaire is disregarded for purposes of
24 the diversity of citizenship analysis. See *Sennex, Inc. v. Prather*, 2008 U.S. Dist.
25 LEXIS 25632, 6-7 (W.D. Pa. Mar. 31, 2008) (disregarding the citizenship of a trade
26 name for the purposes of removal); *Andry v. Audubon Ins. Co.*, 2006 U.S. Dist.
27 LEXIS 93398 (E.D. La. Dec. 27, 2006) ("a trade name . . . cannot be considered for
28 the purposes of diversity jurisdiction.").

1 13. DOES' Citizenship. Plaintiffs also name DOES 1 to 100, inclusive, as
2 parties to this action. It is well-established that "the citizenship of defendants sued
3 under fictitious names shall be disregarded" for purposes of removal. 28 U.S.C. §
4 1441(a). Therefore, the citizenship of DOES 1 to 100 is also disregarded for purposes
5 of the diversity of citizenship analysis in the present matter.

6 14. Accordingly, there exists complete diversity of citizenship in this action
7 under 28 U.S.C. § 1332(a) because Plaintiffs are citizens of the State of California and
8 Defendants are citizens of the States of New York, Illinois, Delaware and Georgia.
9 All named defendants consent to this removal.

10 11 AMOUNT IN CONTROVERSY

12 15. The amount in controversy in this action, exclusive of interest and costs,
13 exceeds \$75,000. According to Plaintiffs' Statements of Damages, served with the
14 Summons and Complaint, plaintiff Reuben Ishii seeks \$2,000,000.00 in general
15 damages for loss of society and companionship and \$15,000.00 for funeral expenses
16 from Defendants; plaintiff Mayumi Ishii seeks general damages of \$5,000,000.00 for
17 emotional distress and \$2,000,000.00 for loss of society and companionship, and
18 \$15,000.00 for funeral expenses from Defendants; plaintiff Kayden Ishii seeks general
19 damages of \$500,000.00 for emotional distress and \$200,000.00 for loss of society
20 and companionship from Defendants; and plaintiff Kaylee Ishii, by and through her
21 successor in interest, Reuben Ishii, seeks \$100,000.00 in medical expenses as well as
22 unspecified punitive damages from Defendants. True and correct copies of Plaintiffs'
23 Statements of Damages are attached hereto as **Exhibit A**.

24 16. Accordingly, based on the combination of alleged general damages,
25 funeral and burial expenses, medical expenses, monetary damages for the loss of the
26 decedent's companionship, and unspecified punitive damages that are sought in the
27 Complaint, the amount in controversy exceeds the jurisdictional minimum of \$75,000
28 set forth in 29 U.S.C. § 1332(a).

REMOVAL IS PROPER

17. This Court, therefore, has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), and removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441. Accordingly, this Action is properly removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

18. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders served upon Defendants in the State Court Action are attached to this Notice as **Exhibit A** and are incorporated herein by reference.

19. Pursuant to 28 U.S.C. § 1446(d), Defendants have filed this Notice with this Court and are serving a true and correct copy of this Notice of Removal upon counsel for all parties, and are filing a copy of this Notice in the Orange County Superior Court.

RESERVATION OF DEFENSES

20. Defendants reserve the right to amend or supplement this Notice of Removal.

21. Defendants reserve all defenses and counterclaims.

///

///

///

CONCLUSION

WHEREFORE, for the reasons set forth above, Defendants request that this Court exercise full jurisdiction over this action as provided by law.

DATED: June 11, 2010

SAMUEL C. TAYLOR
TODD BENOFF
ELIZABETH A. SPERLING
CASSANDRA HOOKS
ALSTON & BIRD LLP

Elizabeth A. Sperling
Attorneys for Defendants
Electrolux Home Products, Inc., erroneously
sued herein as Electrolux Major Appliances
North America, Electrolux North America, Inc., and
Frigidaire; and Sears, Roebuck and Co.

EXHIBIT A

5/13/2010
2:40 PM

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION,
FRIGIDAIRE,

Additional Parties Attachment form is attached

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**REUBEN ISHII, MAYUMI ISHII, KAYDEN ISHII, A MINOR, BY
AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII,

Additional Parties Attachment form is attached

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 19 2010

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

700 CIVIC CENTER DRIVE WEST, SANTA ANA, CA 92701

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Kevin L. Elder, Esq. (Bar # 148034)

Penney & Associates, 6536 Lonetree Boulevard, Rocklin, CA 95765

DATE:

(Fecha) APR 19 2010

ALAN CARLSON

Clerk, by
(Secretario)CASE NUMBER
(Número de Caso)30-2010
66864742
JUDGE DAVID T. MCEACHEN
DEPT. C21

Fax No.: (916) 786-0144

Phone No.: (916) 786-7662

R. LUCEY

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served1. ☐ as an individual defendant.2. ☐ as the person sued under the fictitious name of (specify):

SEARS, ROEBUCK AND CO.

3. ☒ on behalf of (specify):under: ☒ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)4. ☒ by personal delivery on (date):

5/13/10

SUM-200(A)

SHORT TITLE: ISHII v. SEARS, ROEBUCK AND CO.	CASE NUMBER:
---	--------------

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 1 to 100, inclusive

Page 2 of 3

Page 1 of 1

SUM-200(A)

SHORT TITLE: ISHII v. SEARS, ROEBUCK AND CO.	CASE NUMBER:
---	--------------

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List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

AND REUBEN ISHII AS SUCCESSOR IN INTEREST OF KAYLEE ISHII, DECEASED

Page 3 of 3

Page 1 of 1

TO (insert name of party being served): ELECTROLUX MAJOR APPLIANCES NORTH AMERICA

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: May 20, 2010

Diane D. Williams

(TYPE OR PRINT NAME)

Frank Whelan
(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

1. ☒ A copy of the summons and of the complaint.
2. ☒ Other (specify):

Declaration of Reuben Ishii, Successor in Interest of Kayley Ishii, Deceased; Alternative Dispute Resolution Information Packet; Civil Department Calendar Scheduling Chart; Statement of Damages as to each plaintiff.

(To be completed by recipient):

Date this form is signed: June 4, 2010

Elizabeth A. Sperling, Attorneys for

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(see attached)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Attorney for:
Electrolux Home Products, Inc.
erroneously sued herein as Frigidaire,
Electrolux Major Appliances North America,
and Electrolux North America, Inc.

TO (insert name of party being served): FRIGIDAIRE

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

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Date of mailing: May 20, 2010

Diane D. Williams

(TYPE OR PRINT NAME)


SIGNATURE OF SENDER - MUST NOT BE A PARTY IN THIS CASE

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1. ☒ A copy of the summons and of the complaint.
2. ☒ Other (specify):

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(To be completed by recipient):

Date this form is signed:

Elizabeth A. Sperling, Attorneys for

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(see attached)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Attorney for:
Electrolux Home Products, Inc.
erroneously sued herein as Frigidaire,
Electrolux Major Appliances North America,
and Electrolux North America, Inc.

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION,
FRIGIDAIRE,

Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**REUBEN ISHII, MAYUMI ISHII, KAYDEN ISHII, A MINOR, BY
AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII,

Additional Parties Attachment form is attached.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 19 2010

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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The name and address of the court is:

(El nombre y dirección de la corte es):SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

700 CIVIC CENTER DRIVE WEST, SANTA ANA, CA 92701

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Kevin L. Elder, Esq. (Bar # 148034)

Penney & Associates, 6536 Lonetree Boulevard, Rocklin, CA 95765

DATE:

(Fecha) APR 19 2010

ALAN CARLSON

Clark, by
(Secretario)

R. LUCEY

Deputy
(Adjunto)**(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)****(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).**

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

- 3.
- ☐
- on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

- 4.
- ☐
- by personal delivery on (date):

SUM-200(A)

SHORT TITLE: _____ ISHII v. SEARS, ROEBUCK AND CO.	CASE NUMBER: _____
--	-----------------------

INSTRUCTIONS FOR USE

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- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 1 to 100, inclusive

Page 2 of 3

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SUM-200(A)

SHORT TITLE: ISHII v. SEARS, ROEBUCK AND CO.	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

AND REUBEN ISHII AS SUCCESSOR IN INTEREST OF KAYLEE ISHII, DECEASED

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Page 1 of 1

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 19 2010

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY DEPUTY

7 Attorneys for Plaintiffs
8 REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
9 GUARDIAN AD LITEM, REUBEN ISHII, AND REUBEN ISHII AS SUCCESSOR IN
10 INTEREST OF KAYLEE ISHII, DECEASED

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF ORANGE

13 REUBEN ISHII, MAYUMI ISHII, AND
14 KAYDEN ISHII, A MINOR, BY AND
15 THROUGH HIS GUARDIAN AD LITEM,
16 REUBEN ISHII, AND REUBEN ISHII AS
17 SUCCESSOR IN INTEREST OF KAYLEE
18 ISHII, DECEASED,

19 Plaintiffs,

20 vs.

21 SEARS, ROEBUCK AND CO., SEARS
22 HOLDINGS CORPORATION, FRIGIDAIRE,
23 ELECTROLUX MAJOR APPLIANCES
24 NORTH AMERICA, and DOES 1 to 100,
25 inclusive,

26 Defendants.

Case No.:

30-2010

00364742

COMPLAINT FOR DAMAGES

JUDGE DAVID T. MCEACHEN
DEPT. C21

27 I

28 GENERAL ALLEGATIONS

1. REUBEN ISHII, MAYUMI ISHII and KAYDEN ISHII, a minor, by and through
his Guardian Ad Litem, REUBEN ISHII, are individuals residing in Orange County, California. At
all times mentioned in this Complaint, REUBEN and MAYUMI ISHII are the mother and father of
KAYLEY ISHII and KAYDEN ISHII. KAYLEH ISHII, deceased, and KAYDEN ISHII, a minor,

1 age 2 ½ years old (DOB: 10/18/2007) are represented by REUBEN ISHII as successor in interest of
2 KAYLEY ISHII, and Guardian ad Litem for KAYDEN ISHII.

3 2. SEARS, ROEBUCK AND CO. is a New York Corporation with its principal place
4 of business in Hoffman Estates, Illinois. At all times mentioned in this Complaint, SEARS,
5 ROEBUCK AND CO. was authorized to do business in California, and was actually doing business
6 in California, and was a subsidiary of, and/or otherwise was governed and controlled by, Defendant
7 SEARS HOLDINGS CORPORATION, a Delaware Corporation, with its principal place of
8 business in Hoffman Estates, Illinois.

9 3. FRIGIDAIRE is an unknown business entity with its principal place of business in
10 Augusta, Georgia. At all times mentioned in this Complaint, FRIGIDAIRE was authorized to do
11 business in California, and was actually doing business in California, and was a subsidiary of,
12 and/or otherwise was governed and controlled by, Defendant ELECTROLUX MAJOR
13 APPLIANCES NORTH AMERICA, an unknown business entity, with its principal place of
14 business in Augusta, Georgia. At all times mentioned in this Complaint, ELECTROLUX MAJOR
15 APPPLIANCES NORTH AMERICA was authorized to do business in California, and was actually
16 doing business in California.

17 4. The true names and capacities, whether individual, corporation, association or
18 otherwise, of Defendants sued herein as DOES 1 to 100, inclusive, are unknown to Plaintiffs who
19 therefore sue said Defendants by such fictitious names. Plaintiffs pray for leave to amend this
20 Complaint to insert the true names of said Defendants when such information becomes available.

21 5. Plaintiffs are informed and believe, and thereon allege, that each fictitiously-named
22 Defendant is negligently or otherwise responsible in some manner for the occurrences herein
23 alleged, and that Plaintiffs' injuries and damages were legally caused by said negligence or other
24 conduct.

25 6. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned in
26 this Complaint, each of the Defendants was the agent and employee of each of the other remaining
27 Defendants, and in doing the things alleged in this Complaint, was acting within the course and
28 scope of this agency and employment, and each Defendant has ratified and approved the acts of its

1 agent.

2 7. Plaintiffs are informed and believe, and thereon allege, that each of the Defendants
3 was the successor in interest to each of the remaining Defendants, and on that basis is liable for any
4 act or omission of the Defendants alleged in this Complaint.

5 8. On or about March 19, 2005, Plaintiffs REUBEN and MAYUMI ISHII purchased a
6 new Kenmore Front Loading Washing Machine, Model No. 417-44152400, Serial No.
7 XC51130146, from Defendant Sears, Roebuck and Co., a subsidiary of Defendant, Sears Holdings
8 Corporation, at a retail Sears store in Orange County, California. It is believed and hereon alleged
9 that Defendants FRIGIDAIRE and/or ELECTROLUX MAJOR APPLIANCES NORTH
10 AMERICA designed and manufactured the front loading washing machine. The washing machine
11 was installed by Defendants on or about April 7, 2005 in the residence of Plaintiffs in Mission
12 Viejo, Orange County, California.

13 9. The subject washing machine "Use and Care guide" states, among other things, the
14 following:

15 DO NOT leave the washer door open. An open door could entice
16 children to hang on the door or crawl inside the washer... Note: If
17 there are no small children present, leave the door ajar to prevent
odor build up and improve venting of the unit.

18 Among other design and manufacturing defects, the subject washing machine was designed
19 and manufactured with an "easy start" press button located on the face of the washing machine at a
20 height easily accessible to even the smallest children, including fifteen (15) month old KAYDEN
21 ISHII. The "easy start" press button is a single action button that requires minimum pressure and
22 no other action to start the washing machine. Moreover, the washing machine was designed and
23 manufactured with a "safety measure" that automatically locks the door during the entire wash
24 cycle. The operating instructions state, among other things: "If the cycle is interrupted during spin,
25 it will take approximately two to three minutes for the door lock to release."

26 10. On or about February 2, 2009, KAYLEY ISHII, age four, climbed inside the front
27 loading washing machine. At or about the same time, her 1 year and 3 month old brother,
28 KAYDEN ISHII, caused the washing machine cycle to start. Kayley tumbled in the washing

1 machine for more than two minutes before plaintiff MAYUMI ISHII observed her daughter
 2 tumbling inside. Notwithstanding mother's efforts to stop the washing machine from tumbling,
 3 KAYLEY ISHII sustained serious and severe injuries, including but not limited to, blunt force
 4 trauma to her head which caused her death.

5 11. Before her death, Kayley Ishii incurred medical expenses resulting from her head
 6 injuries.

7 II

8 FIRST CAUSE OF ACTION

9 (WRONGFUL DEATH)

10 COME NOW PLAINTIFFS, REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A
 11 MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII, AND FOR A
 12 FIRST CAUSE OF ACTION FOR WRONGFUL DEATH AGAINST DEFENDANTS SEARS,
 13 ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX
 14 MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE
 15 HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGE AS FOLLOWS:

16 12. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
 17 makes said paragraphs a part of this, the first cause of action, as though fully set forth herein.

18 13. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
 19 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
 20 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
 21 decedent's surviving brother.

22 14. Kayley Ishii was a minor at the time of her death, and had no surviving issue.
 23 Plaintiff REUBEN ISHII has simultaneous to the filing of this action petitioned the Court to be
 24 appointed Guardian ad Litem for plaintiff Kayden Ishii, age 2½, by order of the above-entitled
 25 Court.

26 15. As a direct and legal result of the negligence, carelessness, recklessness,
 27 wantonness, and unlawfulness of Defendants, and each of them, and the resulting death, as
 28 aforesaid, these Plaintiffs have sustained severe and serious injuries to their persons, all to

1 Plaintiffs' damage in a sum within the jurisdiction of this Court and to be shown according to
2 proof.

3 16. As a direct and legal result of the conduct of Defendants, and each of them, and the
4 death of their daughter/sister, Kayley Ishii, Plaintiffs REUBEN ISHII, MAYUMI ISHII and
5 KAYDEN ISHII have been deprived of the society and comfort of said daughter/sister, including
6 the loss of Kayley's love, companionship, comfort, affection, society, solace and moral support.

7 17. As a direct and legal result of the conduct of Defendants, and each of them, and the
8 resulting death, as aforesaid, these Plaintiffs have been compelled to incur expenses, as well as
9 other special damages, all to the damage of these Plaintiffs, in the amount to be shown according to
10 proof.

11 WHEREFORE, Plaintiffs REUBEN ISHII, MAYUMI ISHII and KAYDEN ISHII pray for
12 judgment as set forth hereinafter.

13 III

14 SECOND CAUSE OF ACTION

15 (PRODUCT LIABILITY – NEGLIGENCE/WRONGFUL DEATH)

16 AS AND FOR A FURTHER, SECOND, SEPARATE AND DISTINCT CAUSE OF
17 ACTION FOR PRODUCT LIABILITY – NEGLIGENCE/WRONGFUL DEATH PLAINTIFFS,
18 REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
19 GUARDIAN AD LITEM, REUBEN ISHII COMPLAIN OF DEFENDANTS SEARS, ROEBUCK
20 AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR
21 APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE HUNDREDTH DOE,
22 INCLUSIVE, AND EACH OF THEM, AND ALLEGE AS FOLLOWS:

23 18. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
24 make said paragraphs a part of this, the second cause of action, as though fully set forth herein.

25 19. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
26 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
27 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
28 decedent's surviving brother.

///

20. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 1 through 20, inclusive, and each of them, were engaged in the business of manufacturing, designing, assembling, compounding, testing, inspecting, researching, packaging, labeling, fabricating, constructing, analyzing, distributing, merchandising, recommending, advertising, promoting, marketing and selling a certain front loading washing machine and its component parts and constituents, for resale to and use by members of the general purpose for the purpose of washing clothing.

21. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 21 through 30, inclusive, and each of them, were engaged in the business of distributing, supplying and selling the said front loading washing machine and its component parts and constituents to retail outlets, so that same could be resold to the public by the said retail outlets.

22. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 31 through 40, inclusive, and each of them, were engaged in the business of selling at retail to members of the general public, the said front loading washing machine, which was to be used by the general public for the purpose of washing clothes.

23. At all times herein mentioned, Defendants, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and Does 1 through 100, and each of them, knew, or in the exercise of ordinary and reasonable care should have known, that the said front loading washing machine was a product of such a nature that if it was not properly manufactured, designed, assembled, compounded, tested, inspected, researched, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold, for the use and purpose for which it was intended, it was likely to injure the person, or persons to whom it was used, or other members of the household and/or community.

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1 24. The Defendants, SEARS, ROEBUCK AND CO., SEARS HOLDINGS
2 CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA,
3 and Does 1 through 100, and each of them, so negligently and carelessly manufactured, designed,
4 assembled, compounded, tested or failed to test, inspected or failed to inspect, researched or failed
5 to research, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced,
6 merchandised, recommended, advertised, promoted, marketing and sold the said front loading
7 washing machine, and its component parts and constituents, so that it was in a dangerous and
8 defective condition, and unsafe for the use and purpose for which it was intended.

9 25. The defective and dangerous character and condition of the said front loading
10 washing machine, and that it was unsafe for the use and purpose for which it was intended, was
11 known to the Defendants, and each of them, or in the exercise of ordinary and reasonable care,
12 should have been known and discovered by Defendants, and each of them. Furthermore, the
13 dangerous and defective character and condition of the said front loading washing machine was not
14 made known to the Plaintiffs by the Defendants, and each of them.

15 26. As a direct, proximate and legal result of the said negligence and carelessness of
16 Defendants, and each of them, Kayley Ishii died as a result of her head injuries on February 2,
17 2009.

18 27. As a result of the aforesaid injuries and wrongful death, Plaintiffs REUBEN ISHII,
19 MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS GUARDIAN AD
20 LITEM, REUBEN ISHII, have suffered and will suffer in the future with reasonable certainty, the
21 loss of the love, companionship, comfort, affection, society, solace and moral support of Kayley
22 Ishii in a monetary sum in excess of the jurisdictional limits of the Superior Court, Limited
23 Jurisdiction. In addition, Plaintiffs REUBEN AND MAYUMI ISHII have incurred expenses
24 associated with the funeral services and burial of Kayley Ishii, deceased. Moreover, REUBEN
25 AND MAYUMI ISHII have incurred the cost of medical treatment following injuries to their
26 daughter, Kayley Ishii, until pronouncement of death several hours after the injuries she sustained
27 in the subject incident.

28 ///

1 WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as
2 hereinafter set forth.

3 IV

4 **THIRD CAUSE OF ACTION**

5 **(STRICT PRODUCTS LIABILITY/WRONGFUL DEATH)**

6 AS AND FOR A FURTHER, THIRD, SEPARATE AND DISTINCT CAUSE OF
7 ACTION FOR STRICT PRODUCTS LIABILITY/WRONGFUL DEATH, PLAINTIFFS,
8 REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
9 GUARDIAN AD LITEM, REUBEN ISHII COMPLAIN OF DEFENDANTS SEARS, ROEBUCK
10 AND CO., SEARS HOLDINGS CORPORATION, AND FRIGIDAIRE, ELECTROLUX MAJOR
11 APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE HUNDRETH DOE,
12 INCLUSIVE, AND EACH OF THEM, AND ALLEGE AS FOLLOWS:

13 28. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
14 make said paragraphs a part of this, the third cause of action, as though fully set forth herein.

15 29. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
16 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
17 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
18 decedent's surviving brother.

19 30. Defendants, and each of them, manufactured, designed, assembled, compounded,
20 tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated, constructed,
21 analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and
22 sold a certain front loading washing machine and its component parts and constituents, which was
23 intended by the Defendants, and each of them, to be used for the purpose of washing clothes and
24 other related activities.

25 31. Defendants, and each of them, knew that said front loading washing machine was to
26 be purchased and used without inspection for defects by Plaintiffs and the general public.

27 32. The said front loading washing machine was unsafe for its intended use by reason of
28 defects in its manufacture, design, testing, components and constituents, so that it would not safely

1 serve its purpose, but would instead expose the users of said product to serious injury, including
 2 death, because of the failure of Defendants, and each of them, to properly guard and protect the
 3 users of the said front loading washing machine from the defective design of said product.

4 33. Plaintiffs were not aware of said defects at any time prior to the injuries caused by
 5 the said defective front loading washing machine.

6 34. As a direct, proximate and legal result of said negligence and carelessness of
 7 Defendants, and each of them, Kayley Ishii died as a result of her head injuries on February 2,
 8 2009.

9 35. As a result of the aforesaid injuries and wrongful death, Plaintiffs REUBEN ISHII,
 10 MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS GUARDIAN AD
 11 LITEM, REUBEN ISHII, have suffered and will suffer in the future with reasonable certainty, the
 12 loss of the love, companionship, comfort, affection, society, solace and moral support of Kayley
 13 Ishii in a monetary sum in excess of the jurisdictional limits of the Superior Court, Limited
 14 Jurisdiction. In addition, Plaintiffs REUBEN AND MAYUMI ISHII have incurred expenses
 15 associated with the funeral services and burial of Kayley Ishii, deceased. Moreover, REUBEN
 16 AND MAYUMI ISHII have incurred the cost of medical treatment following injuries to their
 17 daughter, Kayley Ishii, until pronouncement of death several hours after the injuries she sustained
 18 in the subject incident.

19 WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as
 20 hereinafter set forth.

21 V

22 **FOURTH CAUSE OF ACTION**

23 **(BREACH OF EXPRESSED WARRANTY/WRONGFUL DEATH)**

24 AS AND FOR A FURTHER, FOURTH, SEPARATE AND DISTINCT CAUSE OF
 25 ACTION FOR BREACH OF EXPRESSED WARRANTY/WRONGFUL DEATH, PLAINTIFFS
 26 REUBEN ISHII, MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
 27 GUARDIAN AD LITEM, REUBEN ISHII, COMPLAIN OF DEFENDANTS, SEARS,
 28 ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX
 MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE

1 HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

2 36. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
3 make said paragraphs a part of this, the fourth cause of action, as though fully set forth herein.

4 37. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
5 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
6 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
7 decedent's surviving brother.

8 38. At all times herein mentioned, on and prior to February 2, 2009, the Defendants, and
9 each of them, utilized advertising media, professional publications and detail person to urge the use
10 and purchase of the said front loading washing machine, and expressly warranted to members of
11 the general public, including the Plaintiffs herein, that the said front loading washing machine, was
12 effective, proper and safe for its intended use.

13 39. Plaintiffs relied upon the said expressed warranty representations of the defendants,
14 and each of them, in the purchase and use of said front loading washing machine.

15 40. The said front loading washing machine was not effective, proper and safe for its
16 intended use as expressly warranted by Defendants, and each of them, in that the said front loading
17 washing machine was defective, thereby causing serious injury and wrongful death to Kayley Ishii.

18 41. Within a reasonable time after discovery and belief that the said front loading
19 washing machine was defective and unsafe for its intended use, Plaintiffs notified defendants of the
20 breach of said expressed warranty in the manner and form prescribed by law.

21 42. As a direct, proximate and legal result of the breach of said expressed warranty,
22 Kayley Ishii wrongfully died as hereinabove set forth.

23 43. As a result of the aforesaid injuries and wrongful death, Plaintiffs REUBEN ISHII,
24 MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS GUARDIAN AD
25 LITEM, REUBEN ISHII, have suffered and will suffer in the future with reasonable certainty, the
26 loss of the love, companionship, comfort, affection, society, solace and moral support of Kayley
27 Ishii in a monetary sum in excess of the jurisdictional limits of the Superior Court, Limited
28 Jurisdiction. In addition, Plaintiffs REUBEN AND MAYUMI ISHII have incurred expenses

1 associated with the funeral services and burial of Kayley Ishii, deceased. Moreover, REUBEN
2 AND MAYUMI ISHII have incurred the cost of medical treatment following injuries to their
3 daughter, Kayley Ishii, until pronouncement of death several hours after the injuries she sustained
4 in the subject incident.

5 WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as
6 hereinafter set forth.

7 VI

8 **FIFTH CAUSE OF ACTION**

9 **(BREACH OF IMPLIED WARRANTY/WRONGFUL DEATH)**

10 AS AND FOR A FURTHER, FIFTH, SEPARATE AND DISTINCT CAUSE OF ACTION
11 FOR BREACH OF IMPLIED WARRANTY/WRONGFUL DEATH, PLAINTIFFS REUBEN
12 ISHII, MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
13 GUARDIAN AD LITEM, REUBEN ISHII, COMPLAIN OF DEFENDANTS, SEARS,
14 ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX
15 MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE
16 HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

17 44. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
18 makes said paragraphs a part of this, the fifth cause of action, as though fully set forth herein.

19 45. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
20 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
21 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
22 decedent's surviving brother.

23 46. Prior to February 2, 2009 and prior to the time that the said front loading washing
24 machine was being used by Plaintiffs at the time of the subject incident, the Defendants, and each
25 of them, impliedly warranted to members of the general public, including Plaintiffs, that the said
26 front loading washing machine was of merchantable quality and safe for the use for which it was
27 intended by the Defendants, namely, for the purpose of washing clothes, and other related
28 activities.

48. The said front loading washing machine was not safe for its intended use nor was it of merchantable quality as warranted by Defendants, and each of them, in that it was defectively designed, thereby dangerously exposing the user of said front loading washing machine and those around it to serious injury, including death.

49. Within a reasonable time after discovery and belief that the said front loading washing machine was defective and unsafe for its intended use, Plaintiffs notified defendants of the breach of said implied warranty in the manner and form prescribed by law.

50. As a direct, proximate and legal result of the breach of said implied warranty, Kayley Ishii wrongfully died as hereinabove set forth.

51. As a result of the aforesaid injuries and wrongful death, Plaintiffs REUBEN ISHII, MAYUMI ISHII AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII, have suffered and will suffer in the future with reasonable certainty, the loss of the love, companionship, comfort, affection, society, solace and moral support of Kayley Ishii in a monetary sum in excess of the jurisdictional limits of the Superior Court, Limited Jurisdiction. In addition, Plaintiffs REUBEN AND MAYUMI ISHII have incurred expenses associated with the funeral services and burial of Kayley Ishii, deceased. Moreover, REUBEN AND MAYUMI ISHII have incurred the cost of medical treatment following injuries to their daughter, Kayley Ishii, until pronouncement of death several hours after the injuries she sustained in the subject incident.

WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as hereinafter set forth.

WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as hereinafter set forth.

VII

SIXTH CAUSE OF ACTION

(FALSE REPRESENTATION

UNDER RESTATEMENT OF TORTS, 2nd, §402-B/WRONGFUL DEATH)

AS AND FOR A FURTHER, SIXTH, SEPARATE AND DISTINCT CAUSE OF ACTION

1 FOR FALSE REPRESENTATION UNDER RESTATEMENT OF TORTS, 2nd, §402-
2 B/WRONGFUL DEATH PLAINTIFFS REUBEN ISHII, MAYUMI ISHII AND KAYDEN ISHII,
3 A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII, COMPLAIN
4 OF DEFENDANTS, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION,
5 FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE
6 THROUGH ONE HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES
7 AS FOLLOWS:

8 52. Plaintiffs hereby incorporate by reference all prior paragraphs of this Complaint, and
9 make said paragraphs a part of this, the sixth cause of action, as though fully set forth herein.

10 53. Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII are the sole
11 surviving heirs-at-law of Kayley Ishii. Plaintiff REUBEN ISHII is the decedent's surviving father
12 and Plaintiff MAYUMI ISHII is the decedent's surviving mother. Plaintiff KAYDEN ISHII is the
13 decedent's surviving brother.

14 54. At the aforementioned time when Defendants, and each of them, manufactured,
15 designed, assembled, compounded, tested or failed to test, researched or failed to research,
16 packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised,
17 recommended, advertised, promoted, marketed and sold the said front loading washing machine,
18 and its component parts and constituents, as herein above set forth, the Defendants, and each of
19 them, expressly and impliedly represented to members of the general public, including Plaintiffs,
20 that the said front loading washing machine and its component parts and constituents, was of
21 merchantable quality and safe for the use for which it was intended.

22 55. Plaintiffs relied upon said representations of Defendants, and each of them, in the
23 selection, purchase and use of said front loading washing machine.

24 56. Said representations by Defendants, and each of them, were false and untrue, in that
25 the said front loading washing machine was not safe for its intended use, nor was it of merchantable
26 quality as represented by Defendants, and each of them, in that it had very dangerous propensities
27 and defects that caused injury and damage to the users of said product, including Plaintiffs, thereby
28 threatening the health and life of Plaintiffs.

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61. Plaintiffs MAYUMI ISHII and KAYDEN ISHII were present at the scene of the injury producing event on February 2, 2009. Plaintiff KAYDEN ISHII contemporaneously observed the start-up of the washing machine, the tumbling of his sister Kayley inside the washing machine, and the attempt to resuscitate and save her life. Plaintiff MAYUMI ISHII personally observed her daughter, Kayley Ishii, tumbling in the washing machine for at least one minute during which time she was attempting to stop the cycle. Mayumi also observed the injuries, resuscitation and attempts to save the life of her daughter Kayley.

62. As a direct, proximate and legal result of the negligence and wrongful conduct of Defendants, and each of them, as alleged in each cause of action contained herein, Plaintiffs, MAYUMI ISHII and KAYDEN ISHII suffered severe, substantial and enduring emotional distress all to Plaintiff's damage in a sum within the jurisdiction of this Court and to be shown according to proof.

WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them, as hereinafter set forth:

IX

EIGHTH CAUSE OF ACTION

(PRODUCT LIABILITY - NEGLIGENCE/SURVIVOR ACTION)

AS AND FOR A FURTHER, EIGHTH, SEPARATE AND DISTINCT CAUSE OF ACTION FOR PRODUCT LIABILITY - NEGLIGENCE/SURVIVOR ACTION PLAINTIFF REUBEN ISHII, AS SUCCESSOR IN INTEREST OF KAYLEY ISHII, COMPLAINS OF DEFENDANTS, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

63. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and makes said paragraphs a part of this, the eighth cause of action, as though fully set forth herein.

64. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, for purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P.

1 §377.32.

2 65. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS
3 HOLDINGS CORPORATION, FRIGIDAIRE, and DOES 1 through 20, inclusive, and each of
4 them, were engaged in the business of manufacturing, designing, assembling, compounding,
5 testing, inspecting, researching, packaging, labeling, fabricating, constructing, analyzing,
6 distributing, merchandising, recommending, advertising, promoting, marketing and selling a certain
7 front loading washing machine and its component parts and constituents, for resale to and use by
8 members of the general purpose for the purpose of washing clothing.

9 66. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS
10 HOLDINGS CORPORATION, FRIGIDAIRE and DOES 21 through 30, inclusive, and each of
11 them, were engaged in the business of distributing, supplying and selling the said front loading
12 washing machine and its component parts and constituents to retail outlets, so that same could be
13 resold to the public by the said retail outlets.

14 67. At all times herein mentioned, Defendants SEARS, ROEBUCK AND CO., SEARS
15 HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH
16 AMERICA, and DOES 31 through 40, inclusive, and each of them, were engaged in the business of
17 selling at retail to members of the general public, the said front loading washing machine, which
18 was to be used by the general public for the purpose of washing clothes.

19 68. At all times herein mentioned, Defendants, SEARS, ROEBUCK AND CO., SEARS
20 HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH
21 AMERICA, and Does 1 through 100, and each of them, knew, or in the exercise of ordinary and
22 reasonable care should have known, that the said front loading washing machine was a product of
23 such a nature that if it was not properly manufactured, designed, assembled, compounded, tested,
24 inspected, researched, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced,
25 merchandised, recommended, advertised, promoted, marketed and sold, for the use and purpose for
26 which it was intended, it was likely to injure the person, or persons to whom it was used, or other
27 members of the household and/or community.

28 ///

69. The Defendants, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and Does 1 through 100, and each of them, so negligently and carelessly manufactured, designed, assembled, compounded, tested or failed to test, inspected or failed to inspect, researched or failed to research, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketing and sold the said front loading washing machine, and its component parts and constituents, so that it was in a dangerous and defective condition, and unsafe for the use and purpose for which it was intended.

70. The defective and dangerous character and condition of the said front loading washing machine, and that it was unsafe for the use and purpose for which it was intended, was known to the Defendants, and each of them, or in the exercise of ordinary and reasonable care, should have been known and discovered by Defendants, and each of them. Furthermore, the dangerous and defective character and condition of the said front loading washing machine was not made known to the Plaintiffs by the Defendants, and each of them.

71. As a direct, proximate and legal result of the said negligence and carelessness of Defendants, and each of them, Kayley Ishii sustained severe injuries as a result of blunt force trauma to her head on February 2, 2009 which later resulted in her death.

72. Before her death, Kaylee Ishii incurred medical and incidental expenses resulting from her personal injuries.

WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii, prays for judgment as set forth hereinafter.

X

NINTH CAUSE OF ACTION

(STRICT PRODUCTS LIABILITY/SURVIVOR ACTION)

AS AND FOR A FURTHER, NINTH, SEPARATE AND DISTINCT CAUSE OF ACTION FOR STRICT PRODUCTS LIABILITY/SURVIVOR ACTION PLAINTIFF REUBEN ISHII, AS SUCCESSOR IN INTEREST OF KAYLEY ISHII, DECEASED, COMPLAINS OF DEFENDANTS, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION,

1 FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE
2 THROUGH ONE HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES
3 AS FOLLOWS:

4 73. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and
5 makes said paragraphs a part of this, the ninth cause of action, as though fully set forth herein.

6 74. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, deceased, for
7 purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P.
8 §377.32.

9 75. Defendants, and each of them, manufactured, designed, assembled, compounded,
10 tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated, constructed,
11 analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and
12 sold a certain front loading washing machine and its component parts and constituents, which was
13 intended by the Defendants, and each of them, to be used for the purpose of washing clothes and
14 other related activities.

15 76. Defendants, and each of them, knew that said front loading washing machine was to
16 be purchased and used without inspection for defects by Plaintiffs and the general public.

17 77. The said front loading washing machine was unsafe for its intended use by reason of
18 defects in its manufacture, design, testing, components and constituents, so that it would not safely
19 serve its purpose, but would instead expose the users of said product to serious injury, including
20 death, because of the failure of Defendants, and each of them, to properly guard and protect the
21 users of the said front loading washing machine from the defective design of said product.

22 78. Plaintiffs were not aware of said defects at any time prior to the injuries caused by
23 the said defective front loading washing machine.

24 79. As a direct, proximate and legal result of the said negligence and carelessness of
25 Defendants, and each of them, Kayley Ishii sustained severe injuries as a result of blunt force
26 trauma to her head on February 2, 2009 which later resulted in her death.

27 80. Before her death, Kaylee Ishii incurred medical and incidental expenses resulting
28 from her personal injuries.

1 WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii, prays for
2 judgment as set forth hereinafter.

3 XI

4 TENTH CAUSE OF ACTION

5 (BREACH OF EXPRESSED WARRANTY/SURVIVOR ACTION)

6 AS AND FOR A FURTHER, TENTH, SEPARATE AND DISTINCT CAUSE OF
7 ACTION FOR BREACH OF EXPRESSED WARRANTY/SURVIVOR ACTION, PLAINTIFF
8 REUBEN ISHII, AS SUCCESSOR IN INTEREST OF KAYLEY ISHII, DECEASED,
9 COMPLAINS OF DEFENDANTS, SEARS, ROEBUCK AND CO., SEARS HOLDINGS
10 CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA,
11 AND FIRST DOE THROUGH ONE HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM,
12 AND ALLEGES AS FOLLOWS:

13 81. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and
14 makes said paragraphs a part of this, the tenth cause of action, as though fully set forth herein.

15 82. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, deceased, for
16 purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P.
17 §377.32.

18 83. At all times herein mentioned, on and prior to February 2, 2009, the Defendants, and
19 each of them, utilized advertising media, professional publications and detail person to urge the use
20 and purchase of the said front loading washing machine, and expressly warranted two members of
21 the general public, including the Plaintiffs herein, that the said front loading washing machine, was
22 effective, proper and safe for its intended use.

23 84. Plaintiffs relied upon the said expressed warranty representations of the defendants,
24 and each of them, in the purchase and use of said front loading washing machine.

25 85. The said front loading washing machine, was not effective, proper and safe for its
26 intended use as expressly warranted by Defendants, and each of them, in that the said front loading
27 washing machine was defective, thereby causing serious injury and wrongful death to Kayley Ishii.

28 ///

86. Within a reasonable time after discovery and belief that the said front loading washing machine was defective and unsafe for its intended use, Plaintiffs notified defendants of the breach of said expressed warranty in the manner and form prescribed by law.

87. As a direct, proximate and legal result of the said negligence and carelessness of Defendants, and each of them, Kayley Ishii sustained severe injuries as a result of blunt force trauma to her head on February 2, 2009 which later resulted in her death.

88. Before her death, Kaylee Ishii incurred medical and incidental expenses resulting from her personal injuries.

WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii prays for judgment as set forth hereinafter.

XII

ELEVETH CAUSE OF ACTION

(BREACH OF IMPLIED WARRANTY/SURVIVOR ACTION)

AS AND FOR A FURTHER, ELEVENTH, SEPARATE AND DISTINCT CAUSE OF ACTION FOR BREACH OF IMPLIED WARRANTY/SURVIVOR ACTION, PLAINTIFF REUBEN ISHII, AS SUCCESSOR IN INTEREST OF KAYLEY ISHII, DECEASED, COMPLAINS OF DEFENDANTS, SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

89. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and makes said paragraphs a part of this, the eleventh cause of action, as though fully set forth herein.

90. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, deceased, for purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P. §377.32.

91. Prior to February 2, 2009 and prior to the time that the said front loading washing machine was being used by Plaintiffs at the time of the subject incident, the Defendants, and each of them, impliedly warranted to members of the general public, including Plaintiffs, that the said

1 front loading washing machine was of merchantable quality and safe for the use for which it was
 2 intended by the Defendants, namely, for the purpose of washing clothes, and other related
 3 activities.

4 92. Plaintiffs relied on the skill and judgment of Defendants, and each of them, in the
 5 selection, purchase and use of the said front loading washing machine.

6 93. The said front loading washing machine was not safe for its intended use nor was it
 7 of merchantable quality as warranted by Defendants, and each of them, in that it was defectively
 8 designed, thereby dangerously exposing the user of said front loading washing machine and those
 9 around it to serious injury, including death.

10 94. Within a reasonable time after discovery and belief that the said front loading
 11 washing machine was defective and unsafe for its intended use, Plaintiffs notified defendants of the
 12 breach of said expressed warranty in the manner and form prescribed by law.

13 95. As a direct, proximate and legal result of the said negligence and carelessness of
 14 Defendants, and each of them, Kayley Ishii sustained severe injuries as a result of blunt force
 15 trauma to her head on February 2, 2009 which later resulted in her death.

16 96. Before her death, Kaylee Ishii incurred medical and incidental expenses resulting
 17 from her personal injuries.

18 WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii prays for
 19 judgment as set forth hereinafter.

20 XIII

21 TWELFTH CAUSE OF ACTION

22 (FALSE REPRESENTATION

23 UNDER RESTATEMENT OF TORTS, 2nd, §402-B/SURVIVOR ACTION)

24 AS AND FOR A FURTHER, TWELFTH, SEPARATE AND DISTINCT CAUSE OF
 25 ACTION FOR FALSE REPRESENTATION UNDER RESTATEMENT OF TORTS, 2nd, §402-
 26 B/SURVIVOR ACTION PLAINTIFF REUBEN ISHII, AS SUCCESSOR IN INTEREST OF
 27 KAYLEY ISHII, DECEASED, COMPLAINS OF DEFENDANTS, SEARS, ROEBUCK AND
 28 CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR

1 APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE HUNDREDTH DOE,
2 INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

3 97. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and
4 makes said paragraphs a part of this, the twelfth cause of action, as though fully set forth herein.

5 98. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, deceased, for
6 purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P.
7 §377.32.

8 99. At the aforementioned time when Defendants, and each of them, manufactured,
9 designed, assembled, compounded, tested or failed to test, researched or failed to research,
10 packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised,
11 recommended, advertised, promoted, marketed and sold the said front loading washing machine,
12 and its component parts and constituents, as herein above set forth, the Defendants, and each of
13 them, expressly and impliedly represented to members of the general public, including Plaintiffs,
14 that the said front loading washing machine and its component parts and constituents, was of
15 merchantable quality and safe for the use for which it was intended.

16 100. Plaintiffs relied upon said representations of Defendants, and each of them, in the
17 selection, purchase and use of said front loading washing machine.

18 101. Said representations by Defendants, and each of them, were false and untrue, in that
19 the said front loading washing machine was not safe for its intended use, nor was it of merchantable
20 quality as represented by Defendants, and each of them, in that it had very dangerous propensities
21 and defects that caused injury and damage to the users of said product, including Plaintiffs, thereby
22 threatening the health and life of Plaintiffs.

23 102. As a direct, proximate and legal result of the said negligence and carelessness of
24 Defendants, and each of them, Kayley Ishii sustained severe injuries as a result of blunt force
25 trauma to her head on February 2, 2009 which later resulted in her death.

26 103. Before her death, Kaylee Ishii incurred medical and incidental expenses resulting
27 from her personal injuries.

28 ///

1 WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii, prays for
2 judgment as set forth hereinafter.

3 XIV

4 THIRTEENTH CAUSE OF ACTION

5 (CLAIM FOR PUNITIVE DAMAGES)

6 AS AND FOR A FURTHER, THIRTEENTH, SEPARATE AND DISTINCT CAUSE OF
7 ACTION FOR PUNITIVE DAMAGES, PLAINTIFF REUBEN ISHII, AS SUCCESSOR IN
8 INTEREST OF KAYLEY ISHII, DECEASED, COMPLAINS OF DEFENDANTS, SEARS,
9 ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX
10 MAJOR APPLIANCES NORTH AMERICA, AND FIRST DOE THROUGH ONE
11 HUNDREDTH DOE, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

12 104. Plaintiff hereby incorporates by reference all prior paragraphs of this Complaint, and
13 makes said paragraphs a part of this, the thirteenth cause of action, as though fully set forth herein.

14 105. Plaintiff REUBEN ISHII, is the Successor in interest to Kayley Ishii, deceased, for
15 purposes of bringing an action under C.C.P. §377.30, et. seq., and has complied with C.C.P.
16 §377.32.

17 106. Defendants, and each of them, manufactured, designed, assembled, compounded,
18 tested or failed to test, inspect or failed to inspect, packaged, labeled, fabricated, constructed,
19 analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and
20 sold the said front loading washing machine, and its component parts, a product which said
21 Defendants knew to be dangerous and unsafe for the purpose for which they intended it to be used,
22 namely for washing clothing. At all times herein mentioned, prior to and at the time the
23 Defendants, and each of them, sold the said front loading washing machine to Plaintiff REUBEN
24 ISHII, and prior to the time that said product was used by Plaintiff, the Defendants, and each of
25 them, knew, as a result of clinical studies, tests, research, complaints of other users and other
26 information, that the said front loading washing machine, and its component parts, was defectively
27 designed and manufactured, that it had extremely dangerous propensities and defects, in that it was
28 designed in such a way that a 15 (fifteen) month old child was able to start the washing machine

110. The conduct and acts of Defendants, and each of them, as herein above set forth, in allowing such an extremely dangerous product to be used by members of the general public, including Plaintiff, constitute fraud, malice and oppression toward Plaintiff, and a conscious disregard of the safety of Plaintiff. Plaintiff is therefore entitled to exemplary or punitive damages, which would serve to punish and make examples of the Defendants, and each of them, as the Court may deem just and proper.

111. WHEREFORE, Plaintiff REBUEN ISHII, as successor in interest of Kayley Ishii, prays for judgment as set forth hereinafter.

XV

PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

1. For each of the Plaintiffs general damages as alleged herein and according to proof;
2. For exemplary or punitive damages as the jury may deem just and proper;
3. For burial and funeral expenses associated with Kayley Ishii's death;
4. For medical and incidental related expenses for treatment provided to Kayley Ishii prior to her death as a result of the subject incident;
5. For monetary damages for Plaintiffs REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII's loss of the love, companionship, comfort, affection, society, solace and moral support;
6. For pre-judgment interest according to proof, pursuant to Civil Code Section 3291;
7. For Plaintiffs' cost of suit herein; and;
8. For such other and further relief as the Court may deem just and proper.

Dated: April 16, 2010

PENNEY & ASSOCIATES



Kevin D. Elder, Esq.
Attorney for Plaintiffs
Reuben and Mayumi Ishii, Kayden Ishii and
Kayley Ishii

RECEIVED
SUPERIOR COURT OF CALIFORNIA
CENTRAL JUSTICE CENTER

APR 19 2010

BY: B. RYAN

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 19 2010

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY DEPUTY

Kevin L. Elder, Esq. (SBN 148034)
PENNEY & ASSOCIATES
6536 Lonetree Boulevard
Rocklin, California 95765
Telephone: 916-786-7662
Facsimile: 916-786-0144

Attorneys for Plaintiffs

REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS
GUARDIAN AD LITEM, REUBEN ISHII, AND REUBEN ISHII AS SUCCESSOR IN
INTEREST OF KAYLEY ISHII, DECEASED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

REUBEN ISHII, MAYUMI ISHII, AND
KAYDEN ISHII, A MINOR, BY AND
THROUGH HIS GUARDIAN AD LITEM,
REUBEN ISHII, AND REUBEN ISHII AS
SUCCESSOR IN INTEREST OF KAYLEY
ISHII, DECEASED,

Plaintiffs,

vs.

SEARS, ROEBUCK AND CO.; SEARS
HOLDINGS CORPORATION, FRIGIDAIRE,
ELECTOLUX MAJOR APPLIANCES
NORTH AMERICA and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 30-2010

00364742

DECLARATION OF REUBEN ISHII,
SUCCESSOR IN INTEREST OF KAYLEY
ISHII, DECEASED

C.C.P. §377.32

JUDGE DAVID T. MCEACHEN
DEPT. C21

I, REUBEN ISHII, have personal knowledge of and declare as follows:

1. The decedent in the above entitled case is Kayley Ishii.
2. Kayley Ishii died on February 2, 2009 at Mission Hospital Regional Medical Center.
3. No proceeding is now pending in California for administration of the decedent's
estate.

4. The estate of Kayley Ishii has not been administered.

5. I am the decedent's successor in interest (as defined in Section 377.11 of the
California Code of Civil Procedure) and succeed to the decedent's interest in this action. I am the

DECLARATION OF REUBEN ISHII SUCCESSOR IN INTEREST TO KAYLEY ISHII, DECEASED

1 father of Kayley Ishii. At the time of her death, she was an unmarried minor and had no surviving
2 issue. At the time of her death, she lived with her mother and I. Mayumi Ishii and I are a married
3 couple who resided together at the time of the incident and through the present.

4 6. No other person has a superior right to commence this action or to be substituted for
5 the decedent in the pending action or proceeding.

6 7. A true and correct copy of the death certificate of Kayley Ishii is attached as Exhibit
7 1 to this Declaration.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on this 30th day of March, 2010 in the city of Aliso Viejo, County of
11 Orange, California.

12  3/30/10
13 Reuben Ishii, Declarant

CERTIFICATE OF VITAL RECORD

COUNTY OF ORANGE

HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A

SANTA ANA, CA 92701

CERTIFICATE OF DEATH

3200930001734

STATE FILE NUMBER		DATE OF DEATH		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE		3. LAST (Surname)	
KAYLEY		MOEKA		ISHII	
4. DATE OF BIRTH		5. AGE		6. SEX	
06/09/2004		4		F	
7. BIRTH STATE/FOREIGN COUNTRY		8. SOCIAL SECURITY NUMBER		9. EVER IN U.S. ARMED FORCES	
JAPAN		806-47-9510		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
10. WAS DECEDENT EVER IN U.S. ARMED FORCES		11. MARITAL STATUS (at Time of Death)		12. DATE OF DEATH	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NEVER MARRIED		02/02/2009	
13. WAS DECEDENT EVER IN U.S. ARMED FORCES		14. DECEASED'S RACE		15. HOURS (24 Hours)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		ASIAN		2028	
16. DECEASED'S OCCUPATION		17. NAME OF BUSINESS OR INDUSTRY		18. YEARS IN OCCUPATION	
CHILD		NONE		0	
19. DECEASED'S RESIDENCE (Street and number or location)		20. CITY		21. COUNTY	
28401 LOS ALISOS BLVD #4110		MISSION VIEJO		ORANGE	
22. DECEASED'S MAILING ADDRESS (Street and number or location)		23. CITY		24. COUNTY	
28401 LOS ALISOS BLVD #4110, MISSION VIEJO, CA 92692		MISSION VIEJO		ORANGE	
25. NAME OF SURVIVOR & ADDRESS		26. NAME OF FATHER - FIRST		27. NAME OF FATHER - MIDDLE	
REUBEN ISHII, FATHER		REUBEN		MATSUTO	
28. NAME OF MOTHER - FIRST		29. NAME OF MOTHER - MIDDLE		30. NAME OF MOTHER - LAST	
MAYUMI		MAYUMI		MURANO	
31. DATE OF DEATH		32. PLACE OF DEATH		33. PLACE OF DEATH	
02/07/2009		3600 PACIFIC VIEW DRIVE CORONA DEL MAR, CA 92629		3600 PACIFIC VIEW DRIVE CORONA DEL MAR, CA 92629	
34. TYPE OF DEATH		35. SIGNATURE OF EMPLOYER		36. SIGNATURE OF EMPLOYER	
CRIBU		JERRY TURNER		JERRY TURNER	
37. NAME OF FUNERAL ESTABLISHMENT		38. NAME OF FUNERAL ESTABLISHMENT		39. NAME OF FUNERAL ESTABLISHMENT	
O'CONNOR MORTUARY		O'CONNOR MORTUARY		O'CONNOR MORTUARY	
40. PLACE OF DEATH		41. PLACE OF DEATH		42. PLACE OF DEATH	
MISSION HOSPITAL REGIONAL MEDICAL CENTER		MISSION HOSPITAL REGIONAL MEDICAL CENTER		MISSION HOSPITAL REGIONAL MEDICAL CENTER	
43. CITY		44. CITY		45. CITY	
ORANGE		ORANGE		ORANGE	
46. CAUSE OF DEATH		47. CAUSE OF DEATH		48. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
49. CAUSE OF DEATH		50. CAUSE OF DEATH		51. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
52. CAUSE OF DEATH		53. CAUSE OF DEATH		54. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
55. CAUSE OF DEATH		56. CAUSE OF DEATH		57. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
58. CAUSE OF DEATH		59. CAUSE OF DEATH		60. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
61. CAUSE OF DEATH		62. CAUSE OF DEATH		63. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
64. CAUSE OF DEATH		65. CAUSE OF DEATH		66. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
67. CAUSE OF DEATH		68. CAUSE OF DEATH		69. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
70. CAUSE OF DEATH		71. CAUSE OF DEATH		72. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
73. CAUSE OF DEATH		74. CAUSE OF DEATH		75. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
76. CAUSE OF DEATH		77. CAUSE OF DEATH		78. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
79. CAUSE OF DEATH		80. CAUSE OF DEATH		81. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
82. CAUSE OF DEATH		83. CAUSE OF DEATH		84. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
85. CAUSE OF DEATH		86. CAUSE OF DEATH		87. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
88. CAUSE OF DEATH		89. CAUSE OF DEATH		90. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
91. CAUSE OF DEATH		92. CAUSE OF DEATH		93. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
94. CAUSE OF DEATH		95. CAUSE OF DEATH		96. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
97. CAUSE OF DEATH		98. CAUSE OF DEATH		99. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	
100. CAUSE OF DEATH		101. CAUSE OF DEATH		102. CAUSE OF DEATH	
PENDING INVESTIGATION		PENDING INVESTIGATION		PENDING INVESTIGATION	

CERTIFIED COPY OF VITAL RECORDS

002426492

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS

DATE ISSUED

FEB 09 2009

This is a true and exact reproduction of the document officially
registered and placed on file in the office of the VITAL RECORDS
SECTION, ORANGE COUNTY HEALTH CARE AGENCY.ERIC G. HANDLER, M.D.
HEALTH OFFICER
ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

**ALTERNATIVE DISPUTE RESOLUTION (ADR)
INFORMATION PACKAGE**

NOTICE TO PLAINTIFF(S) AND/OR CROSS-COMPLAINANT(S):

Rule 3.221(c) of the California Rules of Court requires you to serve a copy of the ADR Information Package along with the complaint and/or cross-complaint.

**California Rules of Court – Rule 3.221
Information about Alternative Dispute Resolution (ADR)**

(a) Each court shall make available to the plaintiff, at the time of filing of the complaint, an ADR Information Package that includes, at a minimum, all of the following:

- (1) General information about the potential advantages and disadvantages of ADR and descriptions of the principal ADR processes.**
 - (2) Information about the ADR programs available in that court, including citations to any applicable local court rules and directions for contacting any court staff responsible for providing parties with assistance regarding ADR.**
 - (3) Information about the availability of local dispute resolution programs funded under the Dispute Resolutions Program Act (DRPA), in counties that are participating in the DRPA. This information may take the form of a list of the applicable programs or directions for contacting the county's DRPA coordinator.**
 - (4) An ADR stipulation form that parties may use to stipulate to the use of an ADR process.**
- (b) A court may make the ADR Information Package available on its Web site as long as paper copies are also made available in the clerk's office.**
- (c) The plaintiff must serve a copy of the ADR Information Package on each defendant along with the complaint. Cross-complainants must serve a copy of the ADR Information Package on any new parties to the action along with the cross-complaint.**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

ADR Information

Introduction.

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts and others offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. ADR is usually less formal, less expensive, and less time-consuming than a trial. ADR can also give people more opportunity to determine when and how their dispute will be resolved.

BENEFITS OF ADR.

Using ADR may have a variety of benefits, depending on the type of ADR process used and the circumstances of the particular case. Some potential benefits of ADR are summarized below.

Save Time. A dispute often can be settled or decided much sooner with ADR; often in a matter of months, even weeks, while bringing a lawsuit to trial can take a year or more.

Save Money. When cases are resolved earlier through ADR, the parties may save some of the money they would have spent on attorney fees, court costs, experts' fees, and other litigation expenses.

Increase Control Over the Process and the Outcome. In ADR, parties typically play a greater role in shaping both the process and its outcome. In most ADR processes, parties have more opportunity to tell their side of the story than they do at trial. Some ADR processes, such as mediation, allow the parties to fashion creative resolutions that are not available in a trial. Other ADR processes, such as arbitration, allow the parties to choose an expert in a particular field to decide the dispute.

Preserve Relationships. ADR can be a less adversarial and hostile way to resolve a dispute. For example, an experienced mediator can help the parties effectively communicate their needs and point of view to the other side. This can be an important advantage where the parties have a relationship to preserve.

Increase Satisfaction. In a trial, there is typically a winner and a loser. The loser is not likely to be happy, and even the winner may not be completely satisfied with the outcome. ADR can help the parties find win-win solutions and achieve their real goals. This, along with all of ADR's other potential advantages, may increase the parties' overall satisfaction with both the dispute resolution process and the outcome.

Improve Attorney-Client Relationships. Attorneys may also benefit from ADR by being seen as problem-solvers rather than combatants. Quick, cost-effective, and satisfying resolutions are likely to produce happier clients and thus generate repeat business from clients and referrals of their friends and associates.

DISADVANTAGES OF ADR.

ADR may not be suitable for every dispute.

Loss of protections. If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.

Less discovery. There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.

Additional costs. The neutral may charge a fee for his or her services. If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.

Effect of delays if the dispute is not resolved. Lawsuits must be brought within specified periods of time, known as statutes of limitation. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

TYPES OF ADR IN CIVIL CASES.

The most commonly used ADR processes are arbitration, mediation, neutral evaluation and settlement conferences.

Arbitration. In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding* arbitration means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate. Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate. If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Mediation. In mediation, an impartial person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate. Mediation may be particularly useful when parties have a relationship they want to preserve. So when family members, neighbors, or business partners have a dispute, mediation may be the ADR process to use. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate. Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Neutral Evaluation. In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is

often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate. Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate. Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences. Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

ADDITIONAL INFORMATION.

In addition to mediation, arbitration, neutral evaluation, and settlement conferences, there are other types of ADR, including conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR types. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute.

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs, Consumer Information Center, toll free, 1-800-852-5210
- Contact the Orange County Bar Association at (949) 440-6700
- Look in the Yellow Pages under "Arbitrators" or "Mediators"

Free mediation services are provided under the Orange County Dispute Resolution Program Act (DRPA). For information regarding DRPA, contact:

- Community Service Programs, Inc. (949) 851-3168
- Orange County Human Relations (714) 834-7198

For information on the Superior Court of California, County of Orange court ordered arbitration program, refer to Local Rule 360.

The Orange County Superior Court offers programs for Civil Mediation and Early Neutral Evaluation (ENE). For the Civil Mediation program, mediators on the Court's panel have agreed to accept a fee of \$300 for up to the first two hours of a mediation session. For the ENE program, members of the Court's panel have agreed to accept a fee of \$300 for up to three hours of an ENE session. Additional information on the Orange County Superior Court Civil Mediation and Early Neutral Evaluation (ENE) pilot programs is available on the Court's website at www.occourts.org.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251 <input type="checkbox"/> Harbor - Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-0500	FOR COURT USE ONLY
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
ALTERNATIVE DISPUTE RESOLUTION (ADR) NEUTRAL SELECTION AND PARTY LIST <input type="checkbox"/> Arbitration <input type="checkbox"/> Mediation <input type="checkbox"/> Neutral Evaluation	CASE NUMBER:

(ATTACH THIS FORM TO FORM L-1270, ALTERNATIVE DISPUTE RESOLUTION (ADR) STIPULATION, AND FILE IT WITH THE COURT.)

ADR NEUTRAL SELECTION

For Arbitration, parties may select a Neutral and Alternate or may have a Neutral randomly assigned from the Court's Panel. For Mediation and Neutral Evaluation, parties must select a Neutral and an Alternate below.

☐ For Arbitration, please check this box to have an arbitrator assigned at random.

The parties select the following Neutral and Alternate from the Court ADR Panel:

Neutral: _____

Alternate: _____

The above named Neutral will be notified by a Notice of Assignment of ADR Neutral that he or she has been selected as the neutral in this proceeding. In the event the neutral does not accept the assignment, a new Notice of Assignment of ADR Neutral will be sent to the above named Alternate. The assignment of the Alternate to serve as the Neutral does not extend the time to complete the ADR process.

ALTERNATIVE DISPUTE RESOLUTION (ADR) NEUTRAL SELECTION AND PARTY LIST

Adopted for Mandatory Use
L274B (New February 2008)

www.occourts.org

Short Title:	Case Number:
--------------	--------------

PARTY LIST
(including Affiliates)

The parties agree that the ADR Session may be conducted on one of the following dates:

1. _____ 2. _____ 3. _____ 4. _____

Attorney and Firm Name: _____

Mailing Address: _____ City _____ ZIP _____

Area Code and Telephone Number: _____ Fax _____

Attorney for: _____

Attorney and Firm Name: _____

Mailing Address: _____ City _____ ZIP _____

Area Code and Telephone Number: _____ Fax _____

Attorney for: _____

Attorney and Firm Name: _____

Mailing Address: _____ City _____ ZIP _____

Area Code and Telephone Number: _____ Fax _____

Attorney for: _____

Attorney and Firm Name: _____

Mailing Address: _____ City _____ ZIP _____

Area Code and Telephone Number: _____ Fax _____

Attorney for: _____

This Party List must also include the full names, addresses, and phone numbers of corporate parties' parent and subsidiary corporations, and of all insurance carriers. Counsel must immediately notify the neutral upon discovery if any attorney or self-represented party is not listed on this Party List Form.

☐ Attach additional copies of this page if necessary to include additional parties, affiliated entities or insurance carriers.

ALTERNATIVE DISPUTE RESOLUTION (ADR)
NEUTRAL SELECTION AND PARTY LIST

SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY – CENTRAL JUSTICE CENTER
CIVIL DEPARTMENT CALENDAR SCHEDULING CHART

Ex Parte applications must comply with California Rules of Court, rules 3.1200 – 3.1207
 Court Local Rules are located at www.occourts.org

Dept.	Judicial Officer	Motion Days and Time	Ex Parte Days and Time	Telephonic Notice to Courtroom the day before the hearing but no later than:	Ex Parte Application and Proposed Order presented to the court the day before the hearing but no later than:	Rulings posted on Internet?	Other Call for available dates.
C19	MARGINES 657-622-5219	Wednesday 1:30 p.m. NOTE: Due to Court Closure on the third Wednesday of the month, Motions are heard on Thursday at 1:30 p.m.	Daily 1:30 p.m.	10:00 a.m.	10:30 a.m.	No	Notice must be given to opposing party by 10:00 a.m. day before ex parte hearing.
C21	MCEACHEN 657-622-5221	Tuesday 1:30 p.m.	M, T, W, Th 9:00 a.m.	12:00 p.m.	3:00 p.m.	yes	
C14	MILLER 657-622-5214	Tuesday 1:30 p.m.	T, W, Th, F 8:30 a.m.	9:00 a.m.	4:00 p.m. If day prior to the Ex Parte hearing is Monday-Thursday; 3:00 P.M. If day prior to the Ex Parte hearing is Friday.	Yes - noon day of hearing	If Monday is a holiday, law and motion is heard on Thursday at 1:30 p.m. NOTE: for L&M, Dept. C14 requires parties call the dept. to check availability of a motion date prior to filing their motion by calling (657) 622-5214. To schedule an ex parte matter the moving party/attorney shall contact the courtroom clerk (657) 622-5214 to reserve a date no later than noon, the day prior to the hearing. Teleconference appearances are voluntary and do not require consent by court or other parties. However, the court reserves the right to reject any request. Teleconference appearances are conducted in conformity with the guidelines, which are available by calling CourtCall, LLC at (310)914-7884 or (888) 88-COURT
C12	MOBERLY 657-622-5212	Friday 1:30 p.m.	M, T, W, Th, 1:30 p.m.	Noon	3:00 p.m.	Yes - 4:30 p.m. the day before	If there is no appearance for argument, the court will order the tentative ruling to become effective and final the date of the hearing. To schedule an ex parte matter the moving party/attorney shall contact the courtroom clerk (657) 622-5212 to reserve a date no later than noon, the day prior to the hearing.

SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY – CENTRAL JUSTICE CENTER
CIVIL DEPARTMENT CALENDAR SCHEDULING CHART

Ex Parte applications must comply with California Rules of Court, rules 3.1200 – 3.1207
 Court Local Rules are located at www.occourts.org

Dept.	Judicial Officer	Motion Days and Time	Ex Parte Days and Time	Telephonic Notice to Courtroom the day before the hearing but no later than:	Ex Parte Application and Proposed Order presented to the court the day before the hearing but no later than:	Rulings posted on Internet?	Other Call for available dates.
C16	MONROE 657-622-5216	Tuesday 2:00 p.m.	T, W, Th 8:30 a.m.	Noon	4:00 p.m. If day prior to the Ex Parte hearing is Monday-Thursday; 3:00 P.M. If day prior to the Ex Parte hearing is Friday.	Yes - by 4:00 p.m. the day before	If Monday is a holiday, law and motion is heard on Thursday at 2:00 p.m.
C23	MOSS 657-622-5223	Friday 10:00 a.m.	Daily 8:30 a.m.	Not required	12:00 p.m.	Yes - by 4:00 p.m. the day before	Teleconference appearances are voluntary and do not require consent by court or other parties. However, the court reserves to right to reject any request. Teleconference appearances are conducted in conformity with the guidelines, which are available by calling CourtCall, LLC at (310)914-7884 or (888) 88-COURT
C13	MUÑOZ 657-622-5213	Thursday 2:00 pm	M, T, W, Th 8:30 a.m.	10:00 a.m.	Noon	Yes - by 4:00 p.m. the day before	
C64	MYERS 657-622-5264	Thursday Unlimited/ Omni 1:30 p.m. Limited 2:30 p.m.	M, T, W, Th 1:30 p.m. Fri 11:00 a.m.- emergency only	4:00 p.m. If day prior to the hearing is Monday-Thursday; 3:00 P.M. If day prior to the hearing is Friday.	M, T, W, Th, 10:00 a.m. day of ex parte; Friday 9:00 a.m. day of ex parte	No	
C4	NAKAMURA 657-622-5204	Thursday 2:00 p.m.	M, T, W, Th 1:30 p.m.	24 hours, the day before the hearing	M, T, W, Th, 10:00 a.m. day of ex parte	Yes - by 4:00 p.m. the day before	Counsel must reserve a motion date with the courtroom, prior to setting the motion.
C32	PERK 657-622-5232	Friday 11:00 a.m.	M, T, W, Th 9:00 a.m.	Noon.	10:00 a.m. the day of hearing	Yes - by 3:00 p.m. the day before	Teleconference appearances are voluntary and do not require consent by court or other parties. However, the court reserves to right to reject any request. Teleconference appearances are conducted in conformity with the guidelines, which are available by calling CourtCall, LLC at (310)914-7884 or (888) 88-COURT. If there is no appearance for argument, the court will order the tentative ruling to become effective and final the date of the hearing

CIV-050

- DO NOT FILE WITH THE COURT -

-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): FRIGIDAIRE
 Plaintiff (name of one plaintiff only): REUBEN ISHII
 seeks damages in the above-entitled action, as follows:

1. General damages

- | | AMOUNT |
|--|-----------------|
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ _____ |
| b. <input type="checkbox"/> Emotional distress | \$ _____ |
| c. <input type="checkbox"/> Loss of consortium | \$ _____ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 2,000,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ _____ |
| f. <input type="checkbox"/> Other (specify) | \$ _____ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |

2. Special damages

- | | |
|--|--------------|
| a. <input type="checkbox"/> Medical expenses (to date) | \$ _____ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ _____ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ _____ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ _____ |
| e. <input type="checkbox"/> Property damage | \$ _____ |
| f. <input checked="" type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ 15,000.00 |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ _____ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ _____ |
| i. <input type="checkbox"/> Other (specify) | \$ _____ |
| j. <input type="checkbox"/> Other (specify) | \$ _____ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |

3. ☐ Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____
 when pursuing a judgment in the suit filed against you.

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII and MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., ET AL.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): **FRIGIDAIRE**
 Plaintiff (name of one plaintiff only): **MAYUMI ISHII**
 seeks damages in the above-entitled action, as follows:

1. General damages

- | | AMOUNT |
|--|------------------------|
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input checked="" type="checkbox"/> Emotional distress | \$ 5,000,000.00 |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 2,000,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |

2. Special damages

- | | |
|--|---------------------|
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input checked="" type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ 15,000.00 |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) .. \$..
 when pursuing a judgment in the suit filed against you.

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): FRIGIDAIRE

Plaintiff (name of one plaintiff only): KAYDEN ISHII, by and through his Guardian ad Litem, REUBEN ISHII seeks damages in the above-entitled action, as follows:

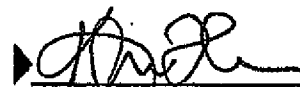
- | | AMOUNT |
|--|---------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input checked="" type="checkbox"/> Emotional distress | \$ 500,000.00 |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 200,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | |
| when pursuing a judgment in the suit filed against you. | |

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): FRIGIDAIRE

Plaintiff (name of one plaintiff only): KAYLEE ISHII, by and through Successor in Interest REUBEN ISHII

seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|---|---------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input type="checkbox"/> Emotional distress. | \$ |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input checked="" type="checkbox"/> Medical expenses (to date) | \$ 100,000.00 |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input checked="" type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | Unknown |
| when pursuing a judgment in the suit filed against you. | |

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): **ELECTROLUX MAJOR APPLIANCES NORTH AMERICA**Plaintiff (name of one plaintiff only): **REUBEN ISHII**

seeks damages in the above-entitled action, as follows:

1. General damages

- | | AMOUNT |
|--|------------------------|
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input type="checkbox"/> Emotional distress | \$ |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 2,000,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |

2. Special damages

- | | |
|--|---------------------|
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input checked="" type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ 15,000.00 |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$
- when pursuing a judgment in the suit filed against you.

Date: **4/28/2010****Kevin L. Elder**

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII and MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., ET AL.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): ELECTROLUX MAJOR APPLIANCES NORTH AMERICA

Plaintiff (name of one plaintiff only): MAYUMI ISHII

seeks damages in the above-entitled action, as follows:

1. General damages

- | | AMOUNT |
|--|-----------------|
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input checked="" type="checkbox"/> Emotional distress | \$ 5,000,000.00 |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 2,000,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |

2. Special damages

- | | |
|--|--------------|
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input checked="" type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ 15,000.00 |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |

3. ☐ Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$
- when pursuing a judgment in the suit filed against you.

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			


To (name of one defendant only): **ELECTROLUX MAJOR APPLIANCES NORTH AMERICA**
 Plaintiff (name of one plaintiff only): **KAYDEN ISHII**, by and through his Guardian ad Litem, **REUBEN ISHII**
 seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|---|----------------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input checked="" type="checkbox"/> Emotional distress | \$ <u>500,000.00</u> |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ <u>200,000.00</u> |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | |
| when pursuing a judgment in the suit filed against you. | |

Date: 4/28/2010

Kevin L. Elder
 (TYPE OR PRINT NAME)

(Proof of service on reverse)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): ELECTROLUX MAJOR APPLIANCES NORTH AMERICA
 Plaintiff (name of one plaintiff only): KAYLEE ISHII, by and through Successor in Interest REUBEN ISHII
 seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|--|---------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input type="checkbox"/> Emotional distress | \$ |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input checked="" type="checkbox"/> Medical expenses (to date) | \$ 100,000.00 |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input checked="" type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | Unknown |
| when pursuing a judgment in the suit filed against you. | |

Date: 4/28/2010

Kevin L. Elder
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT.

-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: 30-2010-00364742	

To (name of one defendant only): SEARS, ROEBUCK AND CO.

Plaintiff (name of one plaintiff only): REUBEN ISHII

seeks damages in the above-entitled action, as follows:

1. General damages

AMOUNT

- a. ☐ Pain, suffering, and inconvenience \$ _____
- b. ☐ Emotional distress \$ _____
- c. ☐ Loss of consortium \$ _____
- d. ☒ Loss of society and companionship (wrongful death actions only) \$ 2,000,000.00
- e. ☐ Other (specify) \$ _____
- f. ☐ Other (specify) \$ _____
- g. ☐ Continued on Attachment 1.g.

2. Special damages

- a. ☐ Medical expenses (to date) \$ _____
- b. ☐ Future medical expenses (present value) \$ _____
- c. ☐ Loss of earnings (to date) \$ _____
- d. ☐ Loss of future earning capacity (present value) \$ _____
- e. ☐ Property damage \$ _____
- f. ☒ Funeral expenses (wrongful death actions only) \$ 15,000.00
- g. ☐ Future contributions (present value) (wrongful death actions only) \$ _____
- h. ☐ Value of personal service, advice, or training (wrongful death actions only) \$ _____
- i. ☐ Other (specify) \$ _____
- j. ☐ Other (specify) \$ _____
- k. ☐ Continued on Attachment 2.k.

3. ☐ Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify) .. \$ _____ when pursuing a judgment in the suit filed against you.

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII and MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., ET AL.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): **SEARS, ROEBUCK AND CO.**Plaintiff (name of one plaintiff only): **MAYUMI ISHII**

seeks damages in the above-entitled action, as follows:

1. General damages

AMOUNT

- a. ☐ Pain, suffering, and inconvenience \$ _____
- b. ☒ Emotional distress \$ 5,000,000.00
- c. ☐ Loss of consortium \$ _____
- d. ☒ Loss of society and companionship (wrongful death actions only) \$ 2,000,000.00
- e. ☐ Other (specify) \$ _____
- f. ☐ Other (specify) \$ _____
- g. ☐ Continued on Attachment 1.g.

2. Special damages

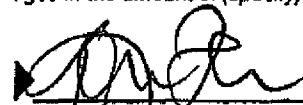
- a. ☐ Medical expenses (to date) \$ _____
- b. ☐ Future medical expenses (present value) \$ _____
- c. ☐ Loss of earnings (to date) \$ _____
- d. ☐ Loss of future earning capacity (present value) \$ _____
- e. ☐ Property damage \$ _____
- f. ☒ Funeral expenses (wrongful death actions only) \$ 15,000.00
- g. ☐ Future contributions (present value) (wrongful death actions only) \$ _____
- h. ☐ Value of personal service, advice, or training (wrongful death actions only) \$ _____
- i. ☐ Other (specify) \$ _____
- j. ☐ Other (specify) \$ _____
- k. ☐ Continued on Attachment 2.k.

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____ when pursuing a judgment in the suit filed against you.

Date: **4/28/2010****Kevin L. Elder**

(TYPE OR PRINT NAME)

(Proof of service on reverse)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): **SEARS, ROEBUCK AND CO.**
 Plaintiff (name of one plaintiff only): **KAYDEN ISHII**, by and through his Guardian ad Litem, **REUBEN ISHII**
 seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|--|----------------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input checked="" type="checkbox"/> Emotional distress | \$ 500,000.00 |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input checked="" type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ 200,000.00 |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input type="checkbox"/> Medical expenses (to date) | \$ |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | |
| when pursuing a judgment in the suit filed against you. | |

Date: **4/28/2010****Kevin L. Elder**

(TYPE OR PRINT NAME)

(Proof of service on reverse)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -
-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Kevin L. Elder, Esq. (State Bar # 148034) PENNEY & ASSOCIATES 6536 LONETREE BOULEVARD ROCKLIN, CA 95765		TELEPHONE NO.: (916) 786-7662 FAX NO.: (916) 786-0144	FOR COURT USE ONLY CASE NUMBER: 30-2010-00364742
ATTORNEY FOR (name): Plaintiffs REUBEN and MAYUMI ISHII, et al.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, 92701 BRANCH NAME: CENTRAL JUSTICE CENTER			
PLAINTIFF: REUBEN ISHII, MAYUMI ISHII, et al. DEFENDANT: SEARS, ROEBUCK AND CO., et al.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): **SEARS, ROEBUCK AND CO.**
 Plaintiff (name of one plaintiff only): **KAYLEE ISHII**, by and through Successor in Interest **REUBEN ISHII**
 seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|---|----------------------|
| 1. General damages | |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience | \$ |
| b. <input type="checkbox"/> Emotional distress | \$ |
| c. <input type="checkbox"/> Loss of consortium | \$ |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) | \$ |
| e. <input type="checkbox"/> Other (specify) | \$ |
| f. <input type="checkbox"/> Other (specify) | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input checked="" type="checkbox"/> Medical expenses (to date) | \$ <u>100,000.00</u> |
| b. <input type="checkbox"/> Future medical expenses (present value) | \$ |
| c. <input type="checkbox"/> Loss of earnings (to date) | \$ |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) | \$ |
| e. <input type="checkbox"/> Property damage | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) | \$ |
| i. <input type="checkbox"/> Other (specify) | \$ |
| j. <input type="checkbox"/> Other (specify) | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |
| 3. <input checked="" type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ | <u>Unknown</u> |
| when pursuing a judgment in the suit filed against you. | |

Date: 4/28/2010

Kevin L. Elder

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV10- 832 JVS (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) REUBEN ISHII, MAYUMI ISHII, AND KAYDEN ISHII, A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, REUBEN ISHII, AND REUBEN ISHII AS SUCCESSOR IN INTEREST OF KAYLEE ISHII, DECEASED	DEFENDANTS SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, FRIGIDAIRE, ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, and DOES 1 to 100, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Kevin L. Elder, Esq. PENNEY & ASSOCIATES 6536 Lonetree Boulevard Rocklin, CA 95765	Attorneys (If Known) Samuel C. Taylor; Todd Benoff; Elizabeth A. Sperling; Cassandra Hooks ALSTON & BIRD LLP 333 S. Hope St., 16 th Floor, Los Angeles, CA 90071 (213) 576-1000 Phone (213) 576-1100 Facsimile Counsel for Defendants Electrolux Home Products, Inc., erroneously sued herein as Electrolux Major Appliances North America, Electrolux North America, Inc., and Frigidaire; and Sears, Roebuck and Co.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF DEF</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td></td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF		<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1		<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF														
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Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)
☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** Greater than \$75,000.00

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
15 U.S.C. § 1114, 28 U.S.C. § 1332(a)(1)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS - PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input checked="" type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS - PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

SACV10-00832

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Defendant Electrolux Home Products, Inc. is a citizen of the states of Delaware and Georgia Defendant Sears, Roebuck and Co. is a citizen of the states of New York and Illinois Defendant Sears Holdings Corporation is a citizen of the states of Delaware and Illinois Defendant Frigidaire is a registered trade name of Electrolux whose citizenship is disregarded for purposes of the diversity of citizenship analysis

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date June 11, 2010

ELIZABETH A. SPERLING

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))